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SERIES I No. 51

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

The Goa, Daman and Diu Habitual Offenders Rules, 1979

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HD-G-44-81/77

In exercise of the powers conferred by Section 25 of the Goa, Daman and Diu Habitual Offenders Act, 1976 (Act No. 16 of 1976), the Administrator of Goa, Daman and Diu hereby makes the following rules namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Habitual Offenders Rules, 1979.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the Goa, Daman and Diu Habitual Offenders Act, 1976 (16 of 1976);

(b) "authorised officer" means any officer authorised by the Government under section 16;

(c) "Director of Social Welfare", "Deputy Director of Social Welfare" or "Assistant Director of Social Welfare" means an officer appointed as such by the Government for the settlements;

(d) "Form" means a form appended to these rules;

(e) "order of restriction of movements" means an order made under section 11 requiring a person to restrict his movements to any area;

(f) "order of restriction of report" means an order made under sub-section (2) of Section 7 requiring a person to report himself to the authority specified therein;

(g) "restricted person" means a registered offender in respect of whom an order of restriction has been made;

(h) "section" means a section of the Act;

(i) "settler" means a registered offender or a habitual offender ordered by the Government, the Court or the Magistrate under section 15 to be placed in a corrective settlement;

(j) "Superintendent" means a Superintendent of a settlement;

(k) Words and expression used but not defined in these rules shall have the meanings assigned to them in the Act.

3. *Serving of notice.* — A notice under section 4 shall be in Form "A". It may be served by any officer or servant working under the control of the District Magistrate or any Officer appointed by him for the purposes of section 4 by giving or tendering it to the person to whom it is addressed.

4. *Maintenance of register.* — The register of habitual offenders for each district shall be maintained in form "B".

5. *Registered offender to notify change of address.* — Every registered offender shall notify any change or intended change of his ordinary residence by reporting in person to the Officer-in-Charge of the Police Station within whose jurisdiction he is residing. When making the report for change or intended change of residence, he shall notify the location of his intended new residence and the day on which he proposes to move to such residence.

6. *Aggrieved habitual Offender may make representation.* — Any habitual offender aggrieved by the registration or re-registration of his name under section 4, or as the case may be under section 9 or by an order under sub-section (2) of section 7, may, within 30 days after the receipt of order of registration or re-registration make a representation to the Government against such registration, re-registration or order.

7. *Copy of order to be served on registered offender.* — A copy of the order made under sub-section (1) of section 11 shall be served on the registered offender in the manner provided in rule 3.

8. *Registered offender to report himself to officer-in-charge of Police Station.* — (1) Every registered offender in respect of whom an order of restriction of report has been made shall, unless otherwise directed by the Order, report himself between the hours of 7 and 9 P. M. to the Officer-in-Charge of the Police Station within whose jurisdiction he resides —

(i) for the first six months commencing on the date of the order of restriction, on every day,

(ii) for the next six months, at an interval of not more than four days, and

(iii) for the remaining period, at an interval of not more than ten days;

Provided that if during any of the periods mentioned above, such offender —

(a) is convicted of any non-bailable offence, or

(b) is reasonably suspected by the District Magistrate for reasons to be recorded in writing of having been concerned in the commission of a non-bailable offence,

he shall report himself in the manner prescribed in clauses (i), (ii) and (iii) for the full periods mentioned therein, beginning, in the case mentioned in clause (a) with the date of sentence, and in the case mentioned in clause (b) with such date as the District Magistrate may direct.

(2) If such offender is a female, she may, if she so desires, cause the required report to be made by any male relative. She shall not, however, hereby be exempted from any penalty to which she may be liable if such report is proved to be not true.

(3) The place of report shall unless otherwise directed by the order of restriction of report, be such as District Magistrate, or Sub-Divisional Magistrate, Superintendent of Police as the case may be, may by general or special order direct, provided that if such offender resides outside the radius of 3.5 kilometres from the place appointed by said authority, he shall report himself to such person as the Sub-Divisional Police Officer may direct.

9. *Police Officer may hold special roll-call of restricted persons.* — Any Police Officer not below the rank of a Sub-Inspector may at any time hold a special roll call of all restricted persons residing within his jurisdiction and it shall be the duty of each such person to attend and answer to his name when the roll call is held.

10. *Registered Offender to notify his intended absence to Officer-in-charge of Police Station.* — (1) When any registered offender in respect of whom an order of restriction of report has been made intends to absent himself from his residence for one or more nights, he shall notify his intended absence to the Officer-in-charge of the Police Station/Police-Out-Post within whose jurisdiction he is residing.

(2) Such offender shall, at every place where he halts for the night, notify to the Officer-in-Charge of the Police Station his arrival at and departure from that place as also the place to which he next intends to proceed and halt for the night.

(3) On arrival at his destination, such offender shall report himself to the Officer-in-Charge of the Police Station concerned.

(4) For recording the temporary absences of such offender, temporary absence form as in Form C shall be used. The Form shall be issued by the Officer-in-Charge of the Police Station concerned.

11. *Officer-in-Charge of Police Station to pay domiciliary visit.* — When a registered offender in respect of whom an order of restriction or report has been made fails to report himself as specified in the order or as laid down in rule 8 it shall be competent for the Officer-in-Charge of the Police Station, within whose jurisdiction such offender is residing, to pay a domiciliary visit by day or night to verify the presence of the registered offender in his place of

residence. It shall then be the duty of such offender if he is present, to appear personally before such officer, or in the case of physical inability to appear otherwise to satisfy the officer of his presence.

Note:— The provisions of this rule do not authorise the officer paying a visit to enter the residence of any registered offender.

12. *Limits of movement of registered offender.*— The area to which the movement of registered offender in respect of whom an order of restriction of movement has been made shall, unless otherwise directed by the order, be—

(a) if the place of residence is in a village, the limits of the village from 21.00 hrs. to 05.00 hrs. and the limits of the Police Station from 05.00 hrs. to 21.00 hrs.;

(b) if the place of residence is in Town, the limits of the Town.

13. *Registered Offender not to move without pass in Form D.*— A registered offender in respect of whom an order of restriction of movement has been made shall not leave or be absent from the limits of the area to which his movements have been restricted, without having obtained a pass in Form D in the manner laid down in rule 14:

Provided that where the area of restrictions is smaller than the area of the Police Station within which it is situated, nothing contained in this rule shall be deemed to render it illegal for a restricted person to quit the limits of that area for the purpose of appearing at the Police Station within the limits of which he is residing or before any Court in obedience to any process of the Court or before any court having jurisdiction to complain of an offence effecting himself or his family or to apply for a pass under these rules:

Provided further that such person shall before leaving the area give notice to the Officer-in-Charge of the Police Station and shall proceed straight to the Police Station or the Court, as the case may be.

14. *Officer-in-charge of Police Station may grant leave of absence to a restricted person.*— (1) The Officer-in-Charge of a Police Station within whose jurisdiction a restricted person resides may on due cause being shown grant to such person leave of absence not exceeding 15 days and issue a pass in Form D.

(2) Any pass granted under this rule shall be drawn up in triplicate and each part be signed by the officer granting the leave. One part shall be retained by such officer, the second shall be given to the restricted person whom leave has been granted and the third shall be sent to Officer-in-Charge of the Police Station within the limits of which the destination of the holder of the pass lies.

15. *Restricted person to travel by route specified in Pass.*— (1) A restricted person who obtains leave of absence under rule 14 shall travel to his destination and return to his residence by the route specified in the pass. He shall have the time and date of his arrival endorsed on the pass by the Officer-in-Charge of the Police Station.

(2) During the time such person is on leave he shall report himself every evening to the Officer-in-

-Charge of the Police Station within whose jurisdiction he happens to be and while at destination he shall report himself to the Officer-in-Charge of the Police Station and produce his pass for endorsement.

(3) Such person shall not overstay the period of leave.

(4) During the period of residence at his destination such person shall not be absent from his residence at any time between sunset and sunrise or go beyond the limit of 8 kms. from his residence during the day time.

(5) Before returning to his residence such person shall have the time and date of departure endorsed on the pass by the officer concerned and on his return to his residence he shall deliver up the pass to the Officer-in-Charge of the Police Station from whom he received it.

16. *Power to withdraw Pass and cancel leave.*— A pass granted under rule 14 may at any time be withdrawn and the leave granted shall thereby be cancelled.

17. *Superintendent of Police or District Magistrate may exempt restricted person from reporting.*— (1) Exemption from reporting at intervals and from taking passes for leave of absence may be granted to any restricted person by the Superintendent of Police or the District Magistrate if he is satisfied on enquiry that such person has shown a marked improvement and given unmistakable evidence of good conduct and sustained industry in earning his livelihood and has not been reasonably suspected of committing a non-bailable offence. Such exemption shall be intimated to the Deputy Superintendent of Police Officer concerned.

(2) The case of every restricted person shall be reviewed by the Superintendent of Police or District Magistrate or other officer authorised in this behalf for the purpose of such exemption after a year from the date of the order of restriction and every six months thereafter.

18. *Superintendent of Police to grant Certificate to exempted restricted Person.*— Every restricted person who has been exempted in accordance with the provision of rule 17 shall be granted by the Superintendent of Police, a certificate of identity in Form E specifying the nature of exemption granted.

19. *Deputy Superintendent of Police may issue permanent pass to restricted Person.*— The Deputy Superintendent of Police concerned may issue to any restricted person a permanent pass in Form F, specifying the days and the hours during which such person may visit the nearest bazaar or market place outside the area to which his movements have been restricted, for making purchases or sales.

20. *General control of settlement to vest in Director of Social Welfare.*— The general control of all settlement shall vest in the Director of Social Welfare who may be assisted by the Dy. Director of Social Welfare (Correctional Administration) and one or more Assistant Director of Social Welfare.

21. *Superintendent to supervise settlements.*— Every settlement shall be under the supervision of

a Superintendent and the Superintendent shall be responsible, for the enforcement of these rules, for the internal administration of the settlement and the general welfare of the settlers.

22. *Director of Social Welfare to visit settlements.* — The Director of Social Welfare or the Deputy Director of Social Welfare (Correctional Administration) and the Assistant Directors nominated by the Director, shall be responsible to visit the settlements under their control once in every six months and conduct inspection.

23. *Separate sections for settlers.* — (1) Separate sections shall be provided in every settlement for the following types of settlers: —

- (i) for single male settlers;
- (ii) for single female settlers; and
- (iii) for settlers belonging to the same family.

Separate settlements shall also be provided on the basis of types and intensity of the criminal behaviour.

(2) Settlers of one type shall not be allowed to visit another type or section of the same settlement nor settlers of one settlement shall be allowed to visit another settlement.

24. *Settler to be employed.* — Every settler shall, unless he is by old age, physical infirmity or illness unfit for manual labour, be employed on some kind of labour of industry of work suited to his physical condition as may be approved for such settlement by the Directorate of Social Welfare.

25. *Settler to be provided with sufficient means of subsistence.* — The Superintendent-in-Charge of a settlement shall satisfy himself that every settler residing in the settlement is provided with sufficient means of subsistence and he shall report forthwith to the Director of Social Welfare if there be any difficulty in this respect.

26. *Settler to be paid during period of apprenticeship.* — (1) In an industrial settlement, every settler shall be paid during the period of his apprenticeship of 200 days from the date of his admission subsidy amount sufficient for his maintenance or diet according to scale, and taught some trade provided in the settlement.

(2) The Director of Social Welfare may in respect of any settler increase the apprenticeship period up to 300 days.

(3) On the expiry of the apprenticeship period the settler shall be given work as far as possible on the contract system of payment by piece work, the worker being paid at least $\frac{3}{4}$ of the estimated value of the work done by him.

(4) Notwithstanding anything in this rule, the Superintendent may, either during the apprenticeship period or thereafter, employ any settler on any remunerative job with which the settler is familiar such as mill work or work under private contractors.

27. *Settler to deposit surplus earned amount in Saving Bank.* — When a settler earns in a settlement more money than is necessary for his maintenance, the Superintendent may deposit the sur-

plus, from time to time, in Saving Bank Account opened in the name of such settler. When account of this nature has been opened, the pass book shall be made over to the depositor who shall produce it whenever called upon by the Departmental Officers for inspection or for the purpose of making further deposits.

28. *Settler to be provided with clothing and beddings.* — Every settler shall be provided at Government cost a set of clothings and beddings once only on admission according to the sanctioned scale. At the discretion of the Director of Social Welfare, a settler may be supplied clothing and bedding a second time if the settler is unable to purchase them on account of his physical or mental disability.

29. *Settler not to leave limits of settlement without pass.* — Unless exempted under sub-rule (3) of rule 30 no settler shall leave the limits of the settlement without a pass. The limits of the settlement shall be such as may be specified by the Director of Social Welfare.

30. *Superintendent may grant pass to settler to proceed to any place in District.* — (1) A pass in Form G permitting the settler to proceed to any place in the District may be granted by the Superintendent for a period not exceeding two months, subject to such restrictions as may be imposed by the Director of Social Welfare.

(2) A pass to proceed to any place for any specific period may be granted to any settler by the Director of Social Welfare.

(3) The Director of Social Welfare may in special circumstances exempt any settler from taking a pass for proceeding to any place.

31. *Settler to notify his arrival to authority specified in pass.* — A settler using a pass granted under rule 30 shall notify his arrival immediately to the authority specified in the pass in the village, town or settlement at which he has arrived and shall thereafter report himself at such times and place as shall have been specified in the pass.

32. *Settler to attend roll call.* — Except when absent on a pass granted under rule 30 or when exempted from the roll call by the Director of Social Welfare, every settler shall attend the roll call daily at such times as may be fixed by the Director of Social Welfare and before such persons and at such places as may be appointed for this purpose by the Superintendent.

33. *Superintendent to search settler on admission.* — The Superintendent or any member of the staff of the settlement authorised in this behalf by the Director of Social Welfare may search any settler on admission and subsequently whenever necessary and inspect his personal effects and his residence. Any article forbidden such as liquor, opium, ganja and also articles which are used as weapons of offence or any property suspected to be stolen, found with the settler shall be attached. After attachment an enquiry shall be held by the Superintendent who shall record the statement of the person from whom the article was attached as to his possession. The Superintendent may then dispose of the property according to law.

34. *Settler may keep domestic animals.* — The Director of Social Welfare may decide what domestic animals may be kept by any settler in the settlement and issue orders to ensure that they are kept under proper control and sanitary condition. The animals of any settler who disregards the order, may be sold and the proceeds given to the owner.

35. *Discipline to be observed by settler.* — A settler shall not —

(a) refuse to perform any suitable work provided for him nor shall be engaged in any work prohibited by the Superintendent;

(b) commit any act of indecency;

(c) refuse to obey any orders issued by the Superintendent to ensure proper sanitation of the settlement;

(d) without a permit partake of or possess liquor, opium, ganja or other intoxicants;

(e) misbehave or cause any disturbance by the violent conduct of quarrelling;

(f) gamble or bet;

(g) join any trade union or political organisation;

(h) beg;

(i) resist or refuse to obey any lawful order issued by the Superintendent or refuse to give a true account of his movements;

(j) without a permit from the Superintendent mortgage or sell movable property exceeding Rs. 5 in value;

(k) have in his possession any article which has been forbidden by the Superintendent as capable of being used as a weapon of offence;

(l) fail to assist in the maintenance of discipline or to give assistance to an officer of the settlement when called upon to do so in the interests of the institution;

(m) do or omit to do any act with intent to cause to himself any illness, injury or disability;

(n) leave without permission the working party to which he is assigned or the part of the premises in which he may be required to be present at any particular time;

(o) endeavour to escape from the settlement limits within which he is legally required to stay.

36. *Punishment.* — Any breach of these rules on the part of a settler may at the discretion of the Superintendent be dealt with according to the nature of the offence or for other reasons to be recorded in writing in any one or more of the following: —

(i) formal warning to be recorded in history sheets,

(ii) confinement in lock up for a period not exceeding 3 days,

(iii) solitary confinement not exceeding 10 days at a time,

(iv) stoppage of wages,

(v) fine not exceeding Rs. 10/-,

(vi) requiring him to furnish a bond with or without personal or cash sureties in an amount not exceeding Rs. 25/-.

Provided that if the Superintendent considers that a particular contravention of the rules should be punished with fine exceeding ten rupees, then he shall refer such case to the Director of Social Welfare who shall punish such contravention with fine not exceeding one hundred rupees.

37. *Superintendent may punish settler who is guilty of trivial offence.* — The Superintendent may deal departmentally in any of the ways provided in rule 36 with any settler he considers guilty of a trivial offence of theft, cheating, extorting or receiving or disposing of stolen property (the property in each case being less than Rs. 10), which comes directly to the notice of his settlement staff or for which investigation has been refused by the Police under the proviso to sub-section (1) of section 157 of Criminal Procedure Code, 1973 or for which the case has been withdrawn under section 321 of the said Code on condition that the offence is dealt with departmentally, provided that the alleged offender may elect to be tried in a Criminal Court.

38. *Power to recover fine.* — The Superintendent shall have power to recover any fine imposed under rule 36 and the amount due from a surety either in a lump sum or by instalments and where there is wilful default in the payment of the fine or the amount of the surety bond, he shall have power to attach and sell the movable property of the person fined and of the surety, if such surety be a settler.

39. *Superintendent may attach intoxicant.* — The Superintendent or any member of the staff of the settlement authorised in this behalf by the Director of Social Welfare may attach any intoxicant found with any settler without a permit under clause (d) of the rule 35 or any betting money or instrument of gaming used for the purpose of gambling. After attachment, an enquiry shall be held by the Superintendent as to the possession of the articles attached. Where the articles attached consist of an intoxicant or do not exceed in value of Rs. 10/- the Superintendent shall, after the enquiry either return the articles to the person appearing to be entitled thereto or order them to be sold and the sale proceeds given to such person or in the case of intoxicants and instruments of gaming order them to be destroyed. In other cases, the Superintendent shall, after the enquiry, forward the articles to the Director of Social Welfare who may dispose them of in a similar manner.

40. *Power to arrest.* — The Superintendent or any member of the settlement staff authorised in this behalf by the Superintendent or any Police Officer may bring under arrest any habitual offender ordered to be placed in a settlement or who being an inmate of a settlement is released from custody or imprisonment and may arrest any such person who escapes or attempts to escape from the limits of the settlement specified under rule 29.

41. *Transfer of undesirable persons.* — The Superintendent may report to the Director of Social Welfare the name of any person residing in a settlement whose presence in the settlement he considers to be undesirable. The Director of Social Welfare

may take order of the Government or the authorised officer for the transfer of such person to another settlement where he can be placed under stricter discipline.

42. Government may discharge settler conditionally.— (1) A settler may be discharged conditionally on licence by the Government or the authorised officer if in its or his opinion, such person has given unmistakable evidence of good conduct and sustained industry, and is not likely to commit an offence again and is capable of maintaining himself and his dependents by honest means and fulfils the following conditions, namely:—

(a) The settler has resided in a settlement for not less than one year;

(b) The settler has not been awarded any disciplinary punishment for serious breach of these rules during six months preceding the date of discharge;

(c) The settler has saved at least Rs. 100/-;

(d) The guardian or employer or relatives of the settler is willing to receive him and gives an assurance that the settler will not be allowed to take to criminal activities and that he shall support the settler or arrange to give the settler an honest means of living and the guardians or employer or relative is also willing to execute a surety bond for such amount as may be fixed by the Director of Social Welfare.

(2) A settler discharged under sub-rule (1) shall be granted a licence in Form H.

(3) The period of the licence shall not extend beyond the date on which the period of order of restriction expires.

43. Person discharged on licence to observe conditions.— (1) A person discharged on licence from a settlement under rule 42 shall be required to observe the following conditions:—

(a) He shall reside in such place as the Director of Social Welfare may determine;

(b) He shall refrain from joining any trade union or political organisation;

(c) He shall be of good conduct;

(d) He shall abide by such conditions as to roll call and taking of passes as may be ordered by the Director of Social Welfare;

(e) He shall be under the supervision of such local officer or Probation Officer or voluntary Social Worker as may be appointed in this behalf by the Director of Social Welfare for the unexpired portion of the period for which he was ordered to receive training in the settlement.

(2) Failure to comply with any of the conditions mentioned in sub-rule (1) shall at the discretion of the Director of Social Welfare render the discharged settler liable to recommitment to a settlement.

44. Director may exercise powers of Superintendent.— The Director of Social Welfare—

(i) may himself exercise any of the powers of a Superintendent under these rules, or

(ii) may delegate to any Deputy Director of Social Welfare or Assistant Director of Social

Welfare any of the said powers exercisable by the Superintendent or any powers vested in himself under these rules except that of discharge of a settler on a licence, or of exempting a settler from taking passes.

45. Dependent of settler may be permitted to reside in settlement.— (1) The Superintendent may permit any bonafide dependent of a settler to reside with him in the settlement in case of emergency. In all other cases, the Director of Social Welfare may if they so desire, permit them to reside in the settlement.

Provided that before such permission is granted, the Director of Social Welfare shall—

(i) ascertain by making such enquiries as he deems fit that according to the custom of the community to which the settler belongs, he is responsible for the maintenance of the dependents and that the settler and his dependents cannot suitably live apart, and

(ii) obtain an undertaking from the settler that the dependents shall observe the discipline of the settlement and that the settler shall be responsible for the breach of the provisions of rule 35 specified in sub-rule (2) committed by any of his dependents.

(2) The dependents of the settler shall, so long as they reside in the settlement, observe the discipline of the settlement, and particularly the provisions contained in clause (b) to (i) and clause (k) of rule 35.

(3) The settler shall exercise proper supervision over his dependents and shall not be an accessory to any breach of the provisions of rule 35 specified in sub-rule (2) committed by any of his dependents.

(4) Any breach of the provisions of rule 35 specified in sub-rule (2) by any of the dependents may, at the discretion of the Superintendent, be dealt with as provided in clauses (i) to (vi) of rule 36 and the punishment imposed on the settler concerned, if he Superintendent after making the necessary inquiry is satisfied that the settler did not exercise proper supervisions over his dependents or that the settler was accessory to the breach.

Explanation.— For the purpose of this rule, dependents means the wife of the settler and his children under 16 years of age.

46. Visiting Committee.— (1) For every settlement there shall be a visiting committee consisting of (a) ex-officio members, and (b) non-official members.

(2) The following officers shall be the ex-officio members of the committee, namely:—

(i) The District Magistrate;

(ii) The Superintendent of Police;

(iii) The Dy. Superintendent of Police;

(iv) The Civil Surgeon (Director of Health Services);

(v) The Director of Social Welfare;

(vi) The Deputy Director of Social Welfare (Correctional Administration);

(vii) The Assistant Director of Social Welfare (Institution);

(viii) The Inspector General of Prisons;

(3) There shall be seven non-official members of the Committee who shall be appointed by the Government.

(4) The District Magistrate shall be the Chairman and the Superintendent of the settlement shall be the ex-officio Secretary of the Committee.

(5) A non-official member should ordinarily have experience of social work at least five years. He should not be less than 30 years and more than 60 years of age. The Government may, however, relax the provisions of this sub-rule in favour of any person whom the Government considers suitable for appointment as non-official member of the Committee.

(6) Every non-official member shall hold office for a period of three years from the date of his appointment:

Provided that a non-official member is eligible for reappointment on the expiry of his period of appointment:

Provided further that the Government may at any time terminate the appointment of any non-official member before the expiry of his term of appointment without assigning any reasons.

This should be given effect to by means of executive instructions.

47. *Duty of members of Visiting Committee.* —

(1) It shall be the duty of the members of the Visiting Committee. —

(a) to visit the settlement once a month according to a route which shall be drawn up by the Chairman after consulting the members;

(b) to attend quarterly meetings which shall be held in the months of January, April, July and October;

(c) to inspect all parts of the settlement and see every settler detained therein with a view to finding out if the settler is benefited by the training given to him.

(2) It shall be the duty of the Visiting Committee —

(a) to satisfy itself that necessary measures for discipline, employment and medical care being taken;

(b) to give every settler an opportunity of making applications and complaints to it and to enquire into the same;

(c) to inspect the accounts and other registers and the records of settlers;

(d) to consider any other matter connected with the progress of the settlement and welfare of the settler;

48. *Copy of Proceedings of Meetings of Visiting Committee to be sent to Director of Social Welfare.* — A copy of the proceedings of each meeting of the Visiting Committee and also of the remarks recorded by the members of the Visiting Committee at the time of their visits shall be sent to the Director of Social Welfare with such remarks as the Superintendent may desire to offer in explanation or otherwise and thereupon the Director of Social Welfare

shall pass such orders as he thinks necessary. The Superintendent shall place a copy of such orders before the quarterly meeting of the Committee or send it to the member making the remarks, as the case may be.

49. *Government may approve privately managed institution as corrective settlement.* — (1) The Government may approve or certify any privately managed institution (whether known as a settlement or otherwise) as a corrective settlement for the purpose of the Act, an application made on behalf of such institution, subject to the conditions mentioned in sub-rule (2).

(2) The privately managed settlement approved or certified by the Government shall abide by the following conditions: —

(i) A privately managed settlement may at its discretion choose a settler according to its choice. Once it accepts a settler, he shall not be transferred to another settlement except on unusual or unexpected circumstances.

(ii) Per capita Re. 1 will be given during the apprenticeship period.

(iii) A privately managed settlement should have at least four intramural industries with qualified staff to supervise and train.

(iv) Inspection of the privately managed settlements, will be done by the Departmental Officer with or without notice.

(v) All the accounts in respect of committed settler are liable for audit by the Department.

(vi) Case Sheets of the settlers committed should be properly maintained with due regards to case work of a standard set by the Director of Social Welfare.

(vii) The premises of the privately managed settlements should be maintained clean and tidy.

(viii) Clothing and bedding on the arrival of the inmates should be provided by privately owned agency.

(ix) Wages as determined by the Director of Social Welfare in consultation with privately owned agency should be paid to settlers after the training is over.

(x) All medical help should be provided by the privately owned agency, during the training period of the settler within the sanctioned per capita grant.

(xi) All the registers prescribed by the Director of Social Welfare from time to time should be maintained properly and should be shown to inspecting officers from time to time.

50. *Cases of persons placed in corrective settlement to be reviewed by Board.* — (1) The cases of all persons whose movements have been restricted or who are placed in corrective settlement under this Act shall be reviewed after six months by a Board consisting of the District Magistrate, the Deputy Director of Social Welfare (Correctional Administration) and the Superintendent of Police. The District Magistrate shall be the Chairman, and the Superintendent of the Settlement shall be the ex-officio Secretary of the Board.

(2) If the Board considers it advisable or desirable to discharge a settler before the expiry of the term of his training it may make a suitable recommendation to the Government or to the officer authorised by it in this behalf.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Home).

Panaji, 13th March, 1979.

FORM A

(See rule 3)

Notice to Habitual Offender to appear in person

To

(Name, description and place of residence)

Whereas the Government of Goa, Daman and Diu has directed that a register of habitual offender should be made;

And whereas you are a habitual offender as defined in clause (f) of section 2 of the Goa, Daman and Diu Habitual Offenders Act, 1976 (hereinafter called as the "said Act");

Now, therefore, as required by the provisions of section 4 of the said Act, I call upon you —

(a) to appear before me in person on the ... day of ... 19..., at ... O'clock;

(b) to furnish the following information, namely: —
(here insert the particulars required)

(c) to allow your finger and palm impression, footprints and photographs to be taken;
for the purpose of making an entry in the register and to show cause as to why such entry should not be made in the register.

District Magistrate

Officer appointed by the District Magistrate

Dated:

FORM B

(See rule 4)

Register of Habitual Offenders under the Goa, Daman and Diu Habitual Offenders Act, 1976

(To be entered by the Officer making the Register)

Serial No. ...

Caste ...

Sub Caste ...

No. and date of the order of registration ...

(1) Name with aliases of the habitual offender, Father's/Husband's name.

(2) Residence at the date of the order —

Village ...

Police Station ...

Taluka ...

District ...

(3) Place of origin ...

Village ...

Police Station ...

Taluka ...

District ...

(4) Place of proposed residence —

Village ...

Police Station ...

Taluka ...

District ...

(5) Descriptive roll —

Age ...

Height ...

(6) (a) Area to which movements are restricted —

Village ...

Police Station ...

Taluka ...

District ...

(b) Manner in which required to report:

(7) Left thumb impression of the habitual offender.

(8) Signature and designation of the Officer making the register with date.

(9) Date of placing the register in the keeping of the Superintendent of Police ...

(10) Signature and designation of the Officer-in-Charge of the Register with date ...

(Entries to be made by the Superintendent of Police)

Serial No. according to each Police Station. Date on which finger impression slip sent to the Bureau.

Finger impression classification

Convictions

(Convictions before registration to be shown in red ink)

No.	Name under which convicted	Taluka Dist. & Court	Date	Section	Sentence	Name of Jail in which confined and number on Jail Register
1	2	3	4	5	6	7

1. Date and name of the Taluka and District to which transferred.

2. Name of settlement where sent with date of despatch ...

3. If put on probation, the date and nature of exemption granted.

4. Date on which restrictions reimposed ...

FORM C

(See rule 10)

Temporary Absence Form

Issued to (Name ... son/wife of ...)

Caste ...

Reg. No. ...

Resident of village ... who has ... notified his/her intention to be temporarily absent from his/her residence ...

Place or places he/she proposed to visit and persons he/she proposes to stop with.

Place	Probable date	Person or place where he/she will stop	Probable period of halt
-------	---------------	----------------------------------------	-------------------------

Age and marks of identification/or thumb mark ...

Name of police station/village ...

... 19...

Date of issue:

Signature of the officer incharge of the Police Station

FORM D

(See rules 13 and 14)

Pass to be handed over to the restricted person to whom leave of absence from the area has been granted

1. Serial No. ...

2. Name and father's or husband's name ...

3. Sex and Age ...

4. Caste and Sub-Caste ...
5. Period of absence sanctioned ... From ... To ...
6. Place to which proceeding ...
7. Route to be taken ... (Where proceeding ...)
8. Business on which proceeding ... (when returning ...)
9. Name of the Police Station from which leave was granted and the date of issue.
10. Left thumb impression of the person granted leave ...

Signature of the officer
Issuing the Pass

Date and hour of					Signature of the person to whom the holder has reported himself
Leaving home	Arrival at	Reporting at Police Station	Departure from	Return home	

Remarks by the Officer-in-Charge of the Police Station.

FORM E

(See rule 18)

(To be given to the Restricted Person)

Certificate of Identity to be given to a Restricted Person who has been given exemptions under rule 17

Register ... Caste ...
Number ... Same as on the left side.

1. District ...
2. Name with aliases ...
3. Father's/Husband's name ...
4. Place of original residence ...
5. Descriptive marks of identification with impression of left thumb.
6. Date of exemption ...
7. Nature of exemption ...

Note: This certificate is granted in accordance with the rule 18 of the Goa, Daman and Diu Habitual Offenders Rules, 1979.

- (1) It should be produced on demand by any Police Officer.
- (2) It should not be handed over to any other person for use.
- (3) The holder is bound to give his finger impression if demanded by any Officer-in-Charge of a Police Station.

Signature ...

Date of issue: The Superintendent of Police.

FORM F

(See rule 19)

Permanent Pass for Visiting Bazaar, etc.

1. Register No.
2. Name and father's or husband's name.
3. Age.
4. Caste and Sub-Caste.
5. Place of nearest bazaar.
6. Days and hours when permitted to visit.

7. Period of absence sanctioned ... from ... to ...
8. Name of the Police Station within whose jurisdiction the person resides.
9. Left thumb impression of the person granted pass.

Signature ...

Date of issue.

Superintendent of Police

FORM G

(See rule 30)

Pass permitting a Settler to leave the limits of the settlement

1. Name of person to whom is granted.
2. Register No.
3. Village or settlement.
4. Taluka.
5. Period for which pass is valid ... From ... To ...
6. Name of the village or settlement to which he is permitted to go ...
7. Name of the person to whose house he is going.
8. Purpose of journey.
9. Places at which he must report on the way.
10. Time or times at which he should give roll call.
11. Authority before whom he should give roll call.

Signature of the Officer granting pass.

(On the reverse of the pass)

Village or settlement	Date and hour of report of arrival	Date and hour of report of departure	Signature of the person to whom the holder has reported himself
1	2	3	4

FORM H

(See rule 42)

Licence Discharging a Settler Conditionally

Name ...

Caste ...

Register No. ... may be discharged from ... settlement under the provision of rule 42 of the Goa, Daman and Diu Habitual Offenders Rules, 1979, provided he accepts the following conditions during the period of licence which shall be valid upto ...

- (a) He shall reside at ...

Taluka ...

Village ...

District ...

- (b) He shall refrain from joining any trade union or political organisation.

- (c) He will be of good conduct.

- (d) He will give weekly roll on Friday before the Officer-in-Charge of Police Station.

- (e) He will notify whenever he intends to be absent from his place of residence for the night to the Officer-in-Charge of a Police Station in the same way as other restricted persons living in the area are required, to do.

In the event of the breach of any of the above conditions of which the Director of Social Welfare shall be the sole judge, the settler shall be liable to be replaced in a settle-

ment by the Director of Social Welfare, the discharge on the licence being cancelled.

The period of licence will date from the time the settler moves from the limits of the settlement to reside in the above village after accepting the above conditions.

Date ... Secretary to the Government
of Goa, Daman and Diu.

The above conditions have been read over to me and I accept them.

Signature of the Settler

Explained by me and accepted by him.

Superintendent, Settlement,

He left the settlement limits to reside in the above village on

Superintendent, Settlement,

Local Administration and Welfare Department

Notification

3-2-79-LAWD-MUN (MARG)

The Margao Municipal Council levy of Octroi duty on Petrol and Diesel Bye-Laws, 1979 are published herewith for general information for public.

By order and in the name of the Administrator of Goa, Daman and Diu.

E. N. Rodrigues, Under Secretary (Revenue).

Panaji, 13th March, 1979.

Margao Municipal Council levy of Octroi duty on petrol and diesel Bye-laws, 1979

In exercise of the powers conferred by sub-section (1) of section 307 of the Goa, Daman and Diu Municipalities Act, 1968 (Act No. 7 of 1969), and with the previous sanction of the Government, the Margao Municipal Council hereby makes the following Bye-laws, namely:—

Short title.—(1) These Bye-laws may be called the Margao Municipal Council levy of Octroi duty on petrol and diesel Bye-laws, 1979.

(2) They shall come into force from the date of publication in the Official Gazette.

(3) They shall apply to all petrol and diesel supplier company who brings into the Municipal area, petrol and diesel for the purpose of sale.

Definitions.—In these Bye-laws unless the context otherwise requires:—

(a) "Act" means the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969);

(b) "Council" means Margao Municipal Council constituted or deemed to be constituted under the Act for a Municipal area;

(c) "Dealer" means a person engaged in the business of purchase or sale or storage for sale of petrol and diesel and includes an agent of dealer;

(d) "Municipal area" means an area comprising Margao Municipal Council as notified by the Government in the Official Gazette;

(e) "Octroi" means a tax on the entry on petrol and diesel into a Municipal area for the use or sale therein;

(f) "Petrol and diesel" means any liquid hydrocarbon such as gasolene, diesel, etc. except kerosene and other inflammatory mixtures, used as fuel in automobile vehicles;

(g) "Petrol and diesel supply company" means every individual firm, company or any business unit which supplies petrol or diesel to the dealer in the Margao Municipal area for sale;

(h) "Octroi limits" means the limits of the Margao Municipal Council as notified by the Government in the Official Gazette;

(i) Words and expressions used in the Act and not defined in these bye-laws shall have the same meaning as assigned to them in the Act.

Bye-law No. 1.—Every petrol and diesel supplier company which supplies petrol and diesel to the dealer into the Municipal area for the purpose of sale shall be subject to a levy of Octroi duty at the rate of 1% (one percent) on the value of the stock supplied to the dealers in the Margao Municipal area which shall be computed on the invoice amount.

Bye-law No. 2.—Every dealer in the Margao Municipal area shall declare the stock received by it to the Municipal Council and within 15 days from the date of delivery of the stock, remit to the Municipal treasury the amount payable under Bye-law No. 1.

Bye-law No. 3.—The petrol and diesel supplier company shall furnish the Council every month a return/statement showing therein the stock delivered to each of the petrol and diesel dealers in the Margao Municipal area.

Bye-law No. 4.—Whoever contravenes the provisions of the Bye-law No. 3 shall be liable to a penalty interest of 10% of the amount unpaid after the due date, limited to a period of two months.

Bye-law No. 5.—The amount payable under Bye-law No. 2 or the fine payable under Bye-law No. 4 shall be recoverable as dues payable to Margao Municipal Council and as an amount due on property tax.

Bye-law No. 6.—Further contravention of the Bye-law No. 2 and Bye-law No. 4 the Council shall seize the stock of the diesel and petrol to realise the amount due to the Council. The Council shall have powers to prohibit entry into the Municipal area of petrol and diesel by the defaulting petrol and diesel supplier company.

Bye-law No. 7.—In case of miscalculation or wrong calculation of the octroi duty and remittance to the Municipal Treasury, the Council may refund the amount so remitted in excess, on receipt of such claim from the dealer.

Bye-law No. 8.—The Military and Government stock of petrol and diesel shall be exempted from the payment of octroi duty.

Bye-law No. 9.—The Chief Officer or Tax Superintendent or any other Officer appointed by the Council in this behalf shall have right to enter at all reasonable hours the business premises of any dealer for the purpose of examining the stock register and require the production thereof for inspection and furnish such other information as may be required for the purpose of these bye-laws.

Bye-law No. 10.—Any person who is aggrieved of the decision of the Chief Officer, Tax Superintendent or any other officer of the Council, authorised by the Council under Bye-law No. 9, as the case may, within 15 days of the order of the Chief Officer, Tax Superintendent or any other person, as the case may be, prefer an appeal against the said order to the Standing Committee whose decision thereof shall be final.

Corrigendum

LSG-2430-SW-67

In this Department's Order No. LSG-2430-SW-67, dated 14th February, 1979 published in the Official Gazette No. 48, Series I, dated 1-3-1979 the date (3-11-1978) shown against column No. 4 at Sr. No. 23 may be read as "3-11-1973".

By order and in the name of the Administrator of Goa, Daman and Diu.

E. N. Rodrigues, Under Secretary (Revenue).

Panaji, 17th March, 1979.

Revenue Department

Notification

RD/TNC/AMND/RLS/144/78

In exercise of the powers conferred by Section 61 read with Section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964), and after complying with the requirements of pre-publication, the Government hereby makes the following Rules so as to amend the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) (First Amendment) Rules, 1979.

(2) They shall come into force at once.

2. *Amendment of rule 9.*—In sub-rule (2) of rule 9 of the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975 for the words and figures "Rs. 2,500/-"

and "Rs. 5,000/-" the words and figures "Rs. 5,000/-" and "Rs. 10,000/-" respectively shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. V. Mongia, Secretary (Revenue).

Panaji, 13th March, 1979.

Industries and Labour Department

Notification

ILD/7005/8th Report-C. D. L/78

In exercise of the powers conferred by section 14 read with section 19 of the Goa, Daman and Diu Barge Tax Act, 1973 (Act No. 10 of 1973), the Government of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Barge Tax Rules, 1975 (the last amendment was published in the Official Gazette, Series I, No. 6 dated 11-5-78 under Notification No. IPD-10264-76 dated 28-4-78) namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Barge Tax (Third Amendment) Rules, 1979.

(2) They shall come into force at once.

2. *Amendment of rule 14.*—For rule 14 of the Goa, Daman and Diu Barge Tax Rules, 1975 (hereinafter called the "Principal Rules") the following shall be substituted, namely:—

"14. *Declaration of non-use.*—The registered owner of, or any person who has possession or control of a barge without intending to use or keep for such use a barge in the inland waters of the Union Territory and desiring to be exempted from payment of tax on that account shall, before the commencement of the quarter referred to in rule 8 and during which the barge is not intended to be used, submit a declaration in Form 'F' to the Taxation Authority alongwith the tax licence and the tax token and giving the complete address where the barge shall be kept."

3. *Deletion of Form G.*—Form 'G' appended to the Principal rules shall be deleted.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Ind. and Labour).

Panaji, 12th March, 1979.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/3595/79

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 16th March, 1979 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly (Amendment) Bill, 1979

(Bill No. 2 of 1979)

A
BILL

further to amend the Goa, Daman and Diu Salaries and Allowances of the Members of the Legislative Assembly Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows.

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly (Amendment) Act, 1979.

(2) It shall come into force at once.

2. *Insertion of new Section 3B.* — After section 3A of the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act, 1964, the following new section 3B shall be inserted, namely: —

“3B *Pension.* — (1) There shall be paid a pension of two hundred and fifty rupees per month to every person who has served as a Member for a period of three years whether continuous or not:

Provided that where any person has served as Member for a period exceeding three years, there shall be paid to him an additional pension of fifty rupees per month for every year in excess of three, so however, that in no case the pension payable to such person shall exceed four hundred rupees per month.

(2) In computing the number of years for the purpose of sub-section (1), the period during which a person has served as Speaker or Dy. Speaker of the Legislative Assembly or as Chief Minister, Minister or Minister of State or in more than one of these capacities by virtue of his membership in the Assembly shall also be taken into account.

(3) Where any person entitled to pension under sub-section (1) —

(a) is elected to the Office of President or Vice-President of India or is appointed to the Office of the Governor of any state or the Administrator of any Union territory; or

(b) becomes a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State; or

(c) is employed on a salary under the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or any local authority or otherwise receives any remuneration from such Government Corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such Office, or continues as

such member, or is so employed, or continues to receive such remuneration:

Provided that, where the salary payable to such person for holding such Office or being such member or so employed, or when the remuneration referred to in clause (c) paid to such person, is in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that section.

(ii) Where any person entitled to pension under sub-section (1) also receives any pension from the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or the State Government, or any local authority, under any law or otherwise, then where the amount of pension which he receives under such law or otherwise is less than four hundred rupees per month, such person shall be entitled to pension under sub-section (1), but where the total amount of such pension exceeds four hundred rupees per month, he shall be entitled to only such amount of pension under sub-section (1) which falls short of the amount of four hundred rupees per month.

(iii) Notwithstanding anything contained in clause (ii) where any person entitled to pension under sub-section (1) also receives any pension from the Central Government or any State Government as a Freedom Fighter, then such pension shall not be taken into consideration in deciding the amount of pension to which he is entitled under that sub-section.

(4) (i) (a) for the purpose of making rules or orders under this section, there shall be constituted a Committee of the House consisting of six members from the Legislative Assembly nominated by the Speaker of the Assembly.

(b) The Committee constituted under clause (a) shall elect its Chairman and shall have power to regulate its procedure.

(c) A member of the Committee shall hold Office as such member for a period of one year from the date of his nomination and any casual vacancy in the Committee may be filled by nomination by the Speaker of the Assembly.

(ii) (a) The Committee constituted under clause (i) may in consultation with the State Government, make rules or orders for carrying out the purposes of this Act.

(b) in particular and without prejudice to the generality of the foregoing power, such rules or orders may provide for all or any of the following matters, namely: —

(1) the form in which and the authority to which an application for pension shall be made;

(2) the certificates to be furnished along with the application for pension;

(3) the declaration to be made at the time of drawing pension;

(4) any other matters necessary for proper implementation and enforcement of this Act.

(iii) All rules or orders made under clause (ii) shall not take effect until they are approved and confirmed by the Speaker of the Assembly and

are published in the Official Gazette of Government of Goa, Daman and Diu.

(iv) Any rule or order under this sub-section may be made so as to be retrospective to any date not earlier than the date of commencement of this Section.

(v) If there is any doubt or dispute as to whether a person is entitled to pension or as to the amount of pension or as to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the Speaker of the Legislative Assembly, who shall, in consultation with the Government, decide the question. The decision of the Speaker shall be final.

Statement of Objects and Reasons

It is well established fact that the Office of a member of Legislative Assembly is of very important nature in a democratic set up. To keep up the dignity of the Office and to enable the Members to devote more time for public service it is considered necessary to provide them some source of income even after they relinquish the Office. The Bill therefore seek to provide pension for Members. Since the First Legislative Assembly dissolved on completion of three year for Opinion Poll, three years have been prescribed as the period for entitlement of the pension.

Financial Memorandum

The Bill seeks to insert a new section to provide pension ranging from rupees 250/- to Rupees 400/- per month to be paid to the Ex-Members of the Assembly. The recurring expenditure on this Account at the present will be about two lakhs every year. There will be no non-recurring expenditure.

Memorandum regarding Delegated Legislation

The Bill empowers the Committee consisting of Members of the Legislative Assembly to be nominated by the Speaker to make rules to carry out the purpose of the Bill. The Committee so envisaged is a mineature of the House. The Delegation is therefore normal in character.

Panaji,
19th February, 1979

LEO VELHO
M. L. A.

Assembly Hall,
Panaji
7th March, 1979

M. M. NAIK
Secretary to the Legislative Assembly of Goa, Daman and Diu.

LA/B/7/3596/79

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 16th March, 1979 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Mundkars (Protection from Eviction) (Third Amendment) Bill, 1979

(Bill No. 3 of 1979)

A

BILL

further to amend the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu Mundkars (Protection from Eviction) (Third Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 12th day of March, 1976.

2. **Amendment of section 15.**—In section 15 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (1 of 1976), in sub-section (3), for the second proviso, the following shall be substituted, namely:—

‘Provided further that—

(a) when a mundkar has been permitted to occupy the dwelling house by the bhatkar for the purpose of cultivation of, or for the purpose of watching and protecting, an agricultural land of the bhatkar and is actually rendering such service and continues to render such service with or without remuneration; or

(b) where a mundkar is an agricultural labourer or a village artisan; or

(c) where the annual income of a mundkar, being a person belonging to Scheduled Castes or the Scheduled Tribes and not falling under clause (a) or clause (b), from all sources does not exceed rupees three thousand and six hundred;

then, the purchase price payable by such mundkar and a member of his family shall be twenty per cent of the market value payable.

Explanation.—For the purposes of this sub-section—

(a) “Scheduled Castes” means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 of the Constitution to be Scheduled Castes in relation to the Union territory of Goa, Daman and Diu;

(b) “Scheduled Tribes” means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 of the Constitution to be Scheduled Tribes in relation to the Union territory of Goa, Daman and Diu.’

Statement of Objects and Reasons

Under the provisions of section 15 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975, the price payable by certain cate-

gories of Mundkars, including those who are village artisans or agricultural labourers, for purchase of dwelling houses occupied by them has been reduced to twenty percent of the market value of such a dwelling house. Such benefit has been conferred upon them taking into account their financial and social position.

It is felt, that such benefit which is presently available only to certain categories of Mundkars belonging to weaker sections should also be extended to those mundkars who belong either to the Scheduled Castes or to the Scheduled Tribes whose annual income from all sources do not exceed rupees three thousand and six hundred, as a measure of upliftment of such persons.

The Bill is being given retrospective effect as to confer the benefits intended from the date the principal Act was brought into force.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

In the proposed amendment, no delegated legislation is contemplated.

Panaji
2nd March, 1979

SHANKAR LAAD
Minister for Revenue

Assembly Hall,
Panaji,
12th March, 1979

M. M. Naik
Secretary to the Legislative Assembly of Goa, Daman and Diu

(Annexure to Bill No. 3 of 1979)

The Goa, Daman and Diu Mundkars (Protection from Eviction) (Third Amendment) Bill, 1979

The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975

(Act No. 1 of 1976)

15. Right of mundkar to purchase the dwelling house. — (1) Notwithstanding anything to the contrary contained in any law for the time being in force, a mundkar shall, subject to the provisions of this Act have the right to purchase the dwelling house occupied by him.

(2) The maximum extent of land around or appurtenant to the dwelling house which a mundkar is entitled to purchase under this section shall be as indicated under sub-clause (i) of clause (i) of section 2.

(3) The purchase price payable by the mundkar for his dwelling house shall be the market value of the dwelling house purchased and the improvement thereon, other than the improvement, if any, belonging to the mundkar:

Provided that, when the house, hut or any structure with its materials belong wholly or partly, to the mundkar, the corresponding value shall be deducted from the market value and, in such case, the purchase price shall be the balance left after deducting the corresponding value from the market value:

Provided further that when a mundkar has been permitted to occupy the dwelling house by the bhatkar for the purpose of cultivation of or for the purpose of watching

and protecting, an agricultural land of the bhatkar and is actually rendering such service and continues to render such service with or without remuneration or where a mundkar is an agricultural labourer or a village artisan, then the purchase price payable by such mundkar and a member of his family shall be twenty per cent of the market value payable.

(4) The purchase price payable under sub-section (3) in respect of the dwelling house shall be paid in not more than ten equal annual instalments:

Provided that, it shall be open to the mundkar to pay the entire purchase price in lumpsum, in which case, the amount payable shall be only ninety per cent of the purchase price.

(5) The market value of the dwelling house, shall be decided by the Mamlatdar, after making such inquiry as he deems necessary and in the prescribed manner.

Assembly Hall,

M. M. NAIK

Panaji, 12th March, 1979. Secretary to the Legislative Assembly of Goa, Daman and Diu

LA/B/7/3597/79

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 16th March, 1979 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control (Fourth Amendment) Bill, 1979

(Bill No. 4 of 1979)

A BILL

further to amend the provisions of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control (Fourth Amendment) Act, 1979.

(2) It shall come into force at once.

2. *Amendment of section 23.* — In proviso to sub-section (1) of section 23 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968, (Act No. 2 of 1969) (hereinafter called the 'principal Act') for the words "this clause", the words "this sub-section" shall be substituted.

3. *Insertion of new section.* — After section 23 of the principal Act, the following section shall be inserted, namely: —

"23A. *Right to recover immediate possession of premises to accrue to certain persons.* — (1) Where a landlord who, being a person in occupation of any residential premises allotted to him by the Government or any local authority is required, by, or in pursuance of any general or special order made by

the Government or such authority to vacate such residential accommodation or in default, to incur certain obligations, on the ground that he owns in the place where such residential premises has been allotted to him either by the Government or by such local authority, a residential accommodation either in his own name or in the name of his wife or dependent child there shall accrue on and from the date of such order to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning in the place where the residential accommodation has been allotted to him by the Government or such local authority two or more dwelling houses whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by sub-section (1), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received,—

(a) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of the premises by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract, agreement or lease;

(b) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount as received, as the unexpired portion of the contract or agreement or lease bears to the total period of contract or agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid the landlord shall be liable to pay simple interest at the rate of six percent per annum.

(3) Notwithstanding anything contained in this Act—

(a) a landlord, who is a member of the armed forces of the Union, or who was such member and is duly retired (which term shall include premature retirement) shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him), and the Court shall pass a

decree for eviction on such ground if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer to the effect that—

- i) he is presently a member of the armed forces of the Union or he was such member and is now retired ex-serviceman;
- ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside;

(b) Where a member of the armed forces of the Union dies while in service or such member is duly retired as stated above and dies within five years of his retirement, his widow, who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself, or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Court shall pass a decree for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated to the effect that—

- i) she is a widow of a deceased member of the armed forces as aforesaid;
- ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside.

Explanation 1.—For the purposes of this section any certificate granted thereunder shall be conclusive evidence of the facts stated therein.

Explanation 2.—For the purpose of clause (a) of this section the expression “the Head of his Services” in the case of officers retired from the Indian Navy includes the Flag Officer Commanding-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force includes the Station Commander”.

4. *Amendment of section 47.*—In section 47 of the principal Act, after the word “may” and before the words “pass such other order”, the words “remand the case for disposal with such directions as deemed fit or” shall be inserted.

Statement of Objects and Reasons

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 contains no provision empowering a Government Servant occupying Government flat or an ex-serviceman to recover immediate possession of the residential premises owned by him when he needs it for his own occupation. A Government Servant as also an ex-serviceman should be given powers to move the appropriate Court to summarily evict his tenant when he genuinely requires a residential premises leased out by him. Clause 3 of the Bill seeks to achieve this purpose.

During the implementation of the said Act, it has also been found that there is no express provision for remand of the cases by the Appellate or Revisional Authority to the Lower Court. The powers

of remand are generally enjoyed by the Appellate Courts and therefore it has been found extremely necessary that these Courts should have such powers under this Act. Clause 4 of the Bill contemplates for inserting necessary provision in the principal Act for enabling the Appellate Authority to remand the cases to the Lower Courts.

Clause 2 of the Bill seeks to cure a printing mistake in section 23 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Financial Memorandum

No Financial implications are involved in this Bill.

Panaji

6th March, 1979

SHANKAR LAAD

Minister for Revenue

Assembly Hall,

Panaji,

12th March, 1979.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa, Daman and Diu

(Annexure to Bill No. 4 of 1979)

The Goa, Daman and Diu Buildings (Lease, Rent
and Eviction) Control (Fourth Amendment)
Bill, 1979

The Goa, Daman and Diu Buildings (Lease, Rent and
Eviction) Control Act, 1968

(Act No. 2 of 1969)

23. *Landlord's right to obtain possession.* — (1) A landlord may subject to the provisions of section 24, apply to the Controller for an order directing the tenant to put him in possession of the building —

(a) in case it is residential building —

(i) if the landlord is not occupying a residential building of his own in the city, town or village concerned and he requires it for his own occupation or for the occupation of any member of his family, or

(ii) if the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he bonafide requires another building instead, for his own occupation;

(b) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own use and if he is not occupying any such building in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise:

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument 'inter vivos' shall not be entitled to apply under this clause before the expiry of five years from the date on which the instrument was registered:

Provided further that where a landlord has obtained possession of a building under this section, he shall not be entitled to apply again under this section —

(i) in case he has obtained possession of a residential building possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building for possession of another non-residential building of his own.

47. *Powers of appellate and revisional authorities.* — Any appellate or revisional authority under this Act may confirm,

modify or rescind the order in appeal or revision or its execution or may pass such other order as is legal and is in accordance with the provisions of this Act:

Provided that no order shall be varied in revision unless an opportunity has been given to the interested parties to appear and be heard:

Provided further that every order passed by the Authorised Officer, the Controller or the Rent Tribunal shall be final, unless varied in appeal or revision and every order passed in appeal or revision shall be final.

Assembly Hall,

Panaji,

12th March 1979.

M. M. NAIK

Secretary to the Legislative As-
sembly of Goa, Daman and Diu

LA/B/7/3598/79

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 16th March, 1979 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Public Gambling
(First Amendment) Bill, 1979

(Bill No. 5 of 1979)

A
BILL

to amend the Goa, Daman and Diu Public Gambling
Act, 1976.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Public Gambling (First Amendment) Act, 1979.

(2) It shall come into force at once.

2. *Amendment of section 5.* — In sub-clause (i) of clause (b) of sub-section (1) of section 5 of the Goa, Daman and Diu Public Gambling Act, 1976 (14 of 1976) (hereinafter referred to as the "principal Act"), for the words "an assistant sub-inspector" the words "a Head Constable of Police" shall be substituted.

3. *Amendment of section 11.* — For sub-section (2) of section 11 of the principal Act, the following shall be substituted namely:—

"(2) Any person who is found gambling under sub-section (1) shall be punishable with imprisonment which may extend to three months and also with fine which may extend to five hundred rupees.

Provided that,—

(a) for the first offence under clause (a) of sub-section (1) such fine shall not be less than fifty rupees.

(b) for the second offence under clause (b) of sub-section (1) such imprisonment shall not

be less than fifteen days and fine shall not be less than one hundred rupees, and

(c), for the third offence under clause (c) of sub-section (1), such imprisonment shall not be less than one month and the fine shall not be less than two hundred rupees.

Provided further that where such gambling consists of wagering or betting or any such transaction as referred to in sub-clause (b) of clause (2) of section 2, such person shall be punishable to the extent specified in section 4 and all moneys found with such persons shall be forfeited."

Statement of Objects and Reasons

Sections 3 and 4 of the Goa, Daman and Diu Public Gambling Act, 1976 provide for punishment for the offences thereunder. However, no such provision has been made for gambling in open place. Punishment provided for gambling in open place under section 11 of the Act *ibid* is imprisonment which may extend to three months and fine which may extend to five hundred rupees.

For want of minimum punishment to be imposed, the courts have been awarding very lenient punishment such as imprisonment till rising of the Court and fine of ten rupees, etc. whether the conviction is for first offence or for second or subsequent offences.

In order to escape stringent punishment as provided in sections 3 and 4 of the act *ibid*, the gamblers have changed their *modus operandi* and resorting the gambling in open places and, therefore, it has been difficult to check this type of gambling. It is, therefore, necessary to consider prescribing minimum punishment to persons responsible for offences under Section 11 of the Act, *ibid* for which the proposed amendment is eminent. The Bill seeks to achieve the above purpose.

Financial Memorandum

The Bill does not entail any additional expenditure. The present staff in the police Department is in a position to implement the said provisions.

Panaji, SHASHIKALA KAKODKAR
9th March, 1979. Chief Minister

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative As-
12th March, 1979 sembly of Goa, Daman and Diu.

(Annexure to Bill No. 5 of 1979)

The Goa, Daman and Diu Public Gambling
(First Amendment) Bill, 1979

The Goa, Daman and Diu Public Gambling Act, 1976
(Act No. 14 of 1976)

2(2)(b) any transaction by which a person in any capacity whatever employs another person in any capacity whatever

or engages for another in any capacity whatever, to wager or bet with any other person,

4. Punishment for gaming in common gaming houses.—

(1) Whosoever is found in any common gaming—house gaming or present for the purpose of gaming shall be punishable with imprisonment for a term which may extend to one year and also with fine which may extend to one thousand rupees:

Provided that—

(a) for the first offence, such imprisonment shall not be less than one month and the fine shall not be less than two hundred rupees,

(b) for the second offence, such imprisonment shall not be less than three months and the fine shall not be less than three hundred rupees, and

(c) for the third or subsequent offence, such imprisonment shall not be less than six months and the fine shall not be less than five hundred rupees.

5. Power to enter and authorise police to enter and search.—

(1) (a) If a District Magistrate, or a Sub-Divisional Magistrate, or a Judicial Magistrate of the First Class, or

(b) the Inspector General or a Superintendent of Police or a Deputy Superintendent of Police or an Assistant Superintendent of Police specially empowered by the Government in this behalf,

upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, room or place is used as a common gaming-house, he may—

(i) either himself enter, or by his warrant, authorise any police officer not below the rank of an assistant sub-inspector to enter by force, if necessary, with such assistance as may be found necessary, by night or by day, any such house, room or place.

11. Power to arrest without warrant for gaming and setting birds and animals to fight in public streets.—(1) A police officer may arrest and search without warrant—

(a) any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game not being a game of mere skill or any public street or thoroughfare or in any place to which the public have or are permitted to have access;

(b) any person setting any birds or animals to fight in any public street or thoroughfare, or in any place to which the public have or are permitted to have access;

(c) any person present there aiding or abetting such public fighting of birds and animals.

(2) Any person arrested under sub-section (1) shall be punishable with imprisonment which may extend to three months and also with fine which may extend to five hundred rupees and where such gaming consists of wagering or betting or of any such transaction as is referred to in sub-clause (b) of clause (2) of section 2, such person shall be punishable to the extent specified in section 4 and all moneys found with such persons shall be forfeited.

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
12th March, 1979. Assembly of Goa, Daman and Diu

LA/B/7/3599/79

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 16th March, 1979 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu (Legislative Diploma No. 2070 dated 15-4-1961) (First Amendment) Bill, 1979

(Bill No. 6 of 1979)

A
BILL

to amend the provisions of the Legislative Diploma No. 2070 dated 15-4-1961 in its application to the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu (Legislative Diploma No. 2070 dated 15-4-1961) (First Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 1st day of January 1970.

2. *Amendment of Article 30.*—In Article 30 of the Legislative Diploma No. 2070 dated 15-4-1961 (hereinafter called the “principal Code”), in clause 4, for sub-clause (f), the following shall be substituted, namely:—

“(f) sale, exchange of lands, long leases including lease in favour of educational, religious, charitable institutions without any payment of rent.”.

3. *Amendment of Article 84.*—For Article 84 of the principal Code, the following shall be substituted, namely:—

“Art. 84-(1) Each group of Comunidades as constituted by the Government from time to time shall have a Registrar.

(2) Notwithstanding anything contained in this Act, the Administrator of Goa, Daman and Diu may, by a Notification in the Official Gazette, constitute in respect of all Comunidades a common cadre of the Registrars.

(3) On the issue of the Notification under sub-Article (2), the Administrator of Goa, Daman and Diu shall have the power to make rules to regulate the qualifications, pay, allowances and other conditions of service and the method of recruitment of the Registrar belonging to the cadre thereby constituted, including the manner of and the terms and conditions under which existing Registrar shall be absorbed into; and such rules may vest jurisdiction in respect of all or any of such matters in relation to such cadres in the Government or in such other authority or authorities as may be prescribed.

(4) If any common cadres are constituted under sub-Article (2), each Comunidade shall every year contribute out of its revenue such sum on account of its share of the expenditure on any Registrars belonging thereto posted to serve under it incurred or to be incurred in that year for its purposes, as the Administrator of Goa, Daman and Diu may by general or special order determine.”.

4. *Amendment of Article 98.*—In Article 98 of the principal Code, the expression “In case a Registrar

of other Comunidade is appointed in addition to his own duties, he will receive 50% of the pay in addition to his own” shall be deleted.

5. *Amendment of Article 153.*—In Article 153 of the principal Code,—

i) for clause 16, the following shall be substituted, namely:—

“16—To exercise all the remaining powers conferred by this Code including the power to give directions from time to time for the purpose of this Code.”.

ii) After clause 16, the following clause shall be inserted, namely:—

“16 A—To order in exceptional circumstances in consultation with the respective Comunidades the removal of encroachments on Comunidade land by following the procedure prescribed in the Land Revenue Code:

Provided that this will not affect the competence of Comunidades to proceed under the provisions under Chapter XII of Title II.”.

6. *Amendment of Article 324.*—In Article 324 of the principal Code, for the words “of the Directorate of Economy”, the words “and the Department of Forest” shall be substituted.

7. *Amendment of Article 326.*—In Article 326 of the principal Code, for the figures and words “1000.00 sq. metres” the figures and words “600.00 sq. metres” shall be substituted.

8. *Amendment of Article 328.*—In Article 328 of the principal Code, after the expression “more than one person applying jointly for the same or more plots” the following proviso shall be added, namely:—

“Provided that the Housing Cooperative Societies and Institutions shall not be considered as more than one person for the purpose of this Article.”.

9. *Amendment of Article 330.*—In Article 330 of the principal Code, after the expression “2 successive numbers of the Government Gazette,” and before the expression “describing the property” the following shall be inserted, namely:—

“and in two local papers one in English and the other in Marathi.”.

10. *Amendment of Article 332.*—In Article 332 of the principal Code, for para 5th, the following shall be substituted, namely:—

“5th. Lease rent so arrived at shall not be less than the market rent as may be determined by Mamlatdar on the basis of records available in his Office.”.

11. *Insertion of new Articles.*—After Article 334 of the principal Code, the following shall be inserted, namely:—

“Article 334-A—The auction will be announced in the manner as prescribed in Article 330.

Article 334-B—(1) Notwithstanding anything contained in Article 334 above and without going against Article 327 the Comunidade may

grant on lease land for construction of houses or buildings without auction to any of the following: —

i) Housing Cooperative Societies for residential purposes of its members.

ii) Educational, religious and Charitable Institutions.

iii) Freedom fighters, serving persons in Armed Forces, Ex-Servicemen, Members of Scheduled Tribes/Scheduled Castes, Mundkars who have been evicted from dwelling houses, the Government servants paid from Consolidated Fund of the Union territory of Goa, Daman and Diu, landless and houseless "Jonoeiros" Goan Repatriates from Africa for their own residential purpose.

(2) The above concession will be admissible to those persons who are born in Goa or (ii) whose parents were born in Goa or (iii) who are domiciled in Goa, for the preceding ten years and (iv) that he/she established that neither he/she nor any dependent member of his/her family are owners of any residential house or any share in it fit for a residence, in the Union territory of Goa, Daman and Diu:

Provided that the conditions at (i), (ii) and (iii) above are not applicable in the case of Government servants referred to in clause (1) above.

Article 334-C — Comunidade may grant land on lease free of lease rent for construction of house/building to Educational, Religious and Charitable Institutions provided it is open to the Public.

Article 334-D — The Comunidade may also grant land on lease free of ground rent or occupancy price for play-ground, or other recreational purposes to Educational Institutions, Local Authorities or Sports Club duly recognised by the Government."

12. *Amendment of Article 335.* — In Article 335 of the principal Code, for the expression "After the auction, the secretary will present the file to the administrator who with his opinion shall remit the same to the Directorate of Civil Administration." the following shall be substituted, namely: —

"After the auction as contemplated under Article 334 and without auction as contemplated under Articles 334-B, 334-C and 334-D and after all formalities are complied with, the secretary shall present the file to the Administrator who with his opinion shall forward the case to the Directorate of Civil Administration."

13. *Amendment of Article 344.* — For Article 344 of the principal Code, the following shall be substituted, namely: —

"Article 344 — When on inspection referred to under Article 343 it is found that the lessee has not taken advantage of the plot in terms of Article 341, the lessee shall be fined an amount equal to 10 times the lease rent subject to a minimum of Rs. 100/-."

14. *Amendment of Article 641.* — In Article 641 of the principal Code, after paragraph 2, the following shall be inserted, namely: —

3. "The age of retirement of person employed in connection with the affairs of Comunidades shall be such as may be prescribed for employees of Government of Goa, Daman and Diu from time to time:

Provided that the employee who on the date of publication of the amendment Act has attained the age of superannuation by virtue of the above mentioned proviso shall be granted earned leave from that date equal to amount of leave credited to his account and shall retire from service on the expiry of such leave:

Provided further that the leave which may be granted under the preceding proviso shall not extend beyond the date on which the employee attains the age of 65 years:

Provided further that the cases of employees who have since retired from 1-1-70 onwards on attaining the age of 65 years will not be reopened and they will not be called upon to refund any amount by virtue of having drawn pay and allowances for the period after attaining the age of 58 years."

Statement of objects and reasons

In the past, from 1970 onwards, many grants of Comunidade land have been made based on instructions issued by Government from time to time. Those instructions had in view the giving of facilities in allotment of land. Now it has been verified that those instructions should have been incorporated in the Code of Comunidades by introducing necessary changes.

As it is felt that those instructions issued are required to be maintained and to regularise the grants already made the present amendment is being given retrospective effect from 1-1-1970.

As the work of the Registrars (escrivães) of Comunidades has been reduced considerably after the implementation of the Vth Amendment to the Tenancy Act, there is no justification in each Comunidade having a separate Registrar.

Powers have been given to the Government to group the Comunidades, according to the work load and place them under one Registrar. Powers are also given to Government to regulate the pay and service conditions of the Registrar.

Regarding the Comunidade employees it was felt necessary to reduce the age of superannuation to bring them at par with Government employees.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum of Delegated Legislation

1. Clause 3 of the proposed Bill provides for the Government to constitute a common cadre of the Registrar in respect of all Comunidades. It also enables the Government to make rules to regulate

the qualifications, pay and allowances and other conditions of service and the method of recruitment of the Registrar belonging to the cadre including the manner of and the terms and conditions under which the existing Registrars are to be absorbed into the cadre.

2. Clause 5 of the proposed Bill empowers the Government to give directions from time to time for the purpose of implementation of various provisions of the Code.

Panaji,
8th March, 1979.

SHANKAR LAAD
Minister for Revenue

Assembly Hall,
Panaji,
12th March, 1979.

M. M. NAIK
Secretary to the
Legislative Assembly of
Goa, Daman and Diu

(Annexure to Bill No. 6 of 1979)

The Goa, Daman and Diu Legislative Diploma No. 2070
dated 15-4-1961 (First Amendment) Bill, 1979

Legislative Diploma No. 2070 dated 15th April, 1961

The Article 30—The Comunidades have the following powers:—

No. 4 to decide over

f) the long leases, sale or exchange of lands.

Article 84—Each Comunidade or each group of Comunidade shall have 1st, 2nd and 3rd class registrar, according to the attached table No. 2-II.

§1—In the offices of the 1st class registrar of the Comunidades of Carambolim, Chora-Caraim-Passo de Ambarim, Calapur-Cujira, Jua, Serula, Margao and Curtorim there shall be an assistant registrar of the category of registrar of the 3rd class.

§2—The Governor General may create posts of Assistant Registrars in any other Comunidade, where the work load justifies such a creation.

Article 98—When a post of a registrar has fallen vacant so long as the Government has not arranged for its filling up the Administrator should fill it temporarily, in accordance with the General law. In case a registrar of other comunidade is appointed in addition to his own duties, he will receive 50% of the pay in addition to his own.

Article 155—The Governor General has the following competence:

No. 16—To exercise all the remaining powers conferred by this Code.

Article 324—The Comunidades are permitted to give on permanent lease uncultivated land and land which is not being used and even that which is cultivated under pulses when it is applied for the cultivation of paddy, fruit trees or for building of house.

§Only—Whenever the question of lease of land adjoining to the Government forest or situated inside them are asked for no contract can be made without first obtaining the opinion of the Department of Agriculture of the Directorate of Economy.

Article 326—Not more than 3 ha. can be given on lease for cultivation and not more than 1000 sq. metres for the construction of house. However, in the latter case, a bigger area can be given if the applicant so desire but he will have to show the plan of the house building.

§1—3 ha. to 10 ha. of land can be given on lease for cultivation if due to its rocky nature large sums have to be spent to bring it under cultivation or if they are paddy fields of one crop which it is desired to convert into fields of two crops.

§2—In each Comunidade the same person cannot be granted more than one lease for building purposes.

Article 327—The properties adjoining residential houses and those marginal to roads, public ways local ways or roads between villages and the fields cannot be leased for cultivation within a radius of 50 metres. But, however, for access to houses property at the maximum width of 5 metres can be leased out without public auction at a lease rent proportional to the one previously fixed and increased by 50 per cent.

Article 328—It is expressly prohibited to include in the same application the request for more than one plot or for plots to be used for cultivation and also for construction of house or for more than one person to apply jointly for the same or same plot.

Article 330—As soon as the file is ordered to be opened on the receipt of the application, the Secretary of the Administration will publish the request for lease in two consecutive numbers of the Government Gazette describing the property with all conditions indicated in the preceding Article therein so that any objection against it may be received within 30 days from the second publication. After this time limit by attaching the objection received or declaring that there were none, the Secretary will send the file soon to the Registrar of Comunidade for the opinion of the Comunidade and of the Managing Body which within a period of 30 days, that can not be extended, will give the same.

Article 332—

§5th—In the first class talukas, the lease rent cannot be less than 6\$ per 100 sq. metres and in the other talukas it should not be less than 3\$. However, if the plot requested on lease is cultivated, the tax can never be less than maximum rent obtained in the last 9 years, plus 10%.

Article 334—All the plots, asked for on lease will be auctioned publicly without going against Article 327.

§1st—The Auction will be announced in the Government Gazette with an antecedence of at least 15 days.

§2nd—On the day fixed for the auction the Administrator will announce through the bailiff the commencement of the calling of bids and after the bidding is over the plots will be adjudicated in accordance with the terms prescribed in the following paras and the minutes of the proceedings will be written.

§3rd—In case the adjudication is to a person different from the applicant, the former will indemnify the latter by paying double the cost.

§4th—The bidder who offers the highest lease rent will have to deposit the amount equivalent to the lease rent of one year plus double the original deposit and only then the bidding can be accepted as final.

§5th—After the order of grant of lease is passed an amount corresponding to double the deposit will be handed over to the original applicant and the amount of the lease rent shall be deposited in the safe of the Comunidade, which shall be set apart during the first year of the contract.

§6th—In case there are no bidders the plot will be leased to the applicant for a lease rent fixed at the time of the inspection.

Article 335—After the auction the Secretary will present the file to the Administrator who with his opinion shall remit the same to the Directorate of Civil Administration.

§1st—The Governor General will go through the file and will consider the request.

§2nd—As soon as the file is returned to the Administration it will be sent to the registrar of the respective Comunidade who will register it in the appropriate book within three days of its receipt.

§3rd—If the order is in favour of granting the lease, the registrar will issue orders for payment by the lessee within eight days the transference tax (sisá) as per legislation in force. After the receipt of the payment is attached to the file he will proceed with the assistance of the procurador of the Comunidade to give provisional charge of the plot to the lessee. After verifying the exact measurements and seeing that there are no alterations in the provisional markings he will write down the minutes which will also be registered in the book.

§4th—Thereafter the registrar will make a provisional endorsement of the leased plot which will be converted into a final endorsement, after the final charge is given to the lessee.

§5th—If the provisional charge is not taken without justifiable reason within four months of the order granting the lease, the Administrator will inform the Governor General of this and request him to cancel the order granting the lease and to order the reversion of the plot to the Comunidade.

Article 341—The leased properties which have not been taken advantage of within four years from the date when the provisional charge was given will be reverted to the Comunidade.

Article 343—A Committee composed of the President of the Managing Body the Procurador and the registrar of the Comunidade will inspect annually during the month of December the leased plots to verify if they have been taken advantage of or not in accordance with the previous articles and it will write down the respective minutes in which they were at the time of the inspection.

Article 344—When it is verified by inspection which is referred to in Article 343 that the lessee did not take advantage of the land as per Article 341, a fine will be imposed corresponding to 20 times the lease rent, and this fine cannot be less than 300\$00.

Article 641—Only the remuneration foreseen in this Code and in the annexed tables shall be paid to the employees of the Comunidades and to the Administrators not withstanding what is stipulated in Article 644.

§1st—The inclusion of these employees in the categories of table I annexed to Decree No. 40.709 dated 31st July 1956, shall give them right to draw the pay scale drawn by the Government Servants of equal category including the family allowance, travelling allowance and other expenses which shall be paid to them under the same conditions prescribed for Government Servants.

§2nd—The physicians and lower staff of the Comunidade shall draw the pay fixed by the Governor General after consulting the respective Comunidades.

Article 644—The remunerations of the Administrators, Registrars and clerks which amount to an increase in expenses compared to those drawn at the time of publication of this Code are also subject to the availability of funds and the favourable vote of the Comunidades of each taluka, sanctioned by the Governor General.

Assembly Hall,
Panaji,
12th March, 1979.

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

LA/B/7/3600/79

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 16th March, 1979 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Salaries and Allowances of Ministers
(Sixth Amendment) Bill, 1979

(Bill No. 7 of 1979)

A
BILL

further to amend the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of Ministers (Sixth Amendment) Act, 1979.

(2) It shall come into force at once.

2. *Amendment of section 4.*—In section 4 of the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 (3 of 1965), in the *Explanation*, in clause (i), after the words "garden thereof", the words "but does not include such portion of the residence or buildings appurtenant thereto as is exclusively set apart for use as office at the residence and is used as such" shall be inserted.

Statement of Objects and Reasons

The Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 as amended by the Goa, Daman and Diu Salaries and Allowances of Ministers (Second Amendment) Act, 1970 envisages that the total periodic expenditure of provision of electricity and water in relation to the residence of a Minister shall not exceed Rs. 75/- p.m. in the case of a Deputy Minister or Rs. 100/- p.m. in the case of any other Minister.

Clause (i) of explanation below section 4 of the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 states that "residence" includes the staff quarters and other buildings appurtenant thereto and the garden thereof.

On a reference made to Government of India, Ministry of Home Affairs for enhancement of the existing limit of Rs. 100/- to Rs. 150/- towards consumption of water and electricity charges, the Ministry suggested amendment of the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 so as to exclude from the definition of "residence" such portion of the residence or buildings appurtenant thereto as is exclusively set apart for use as office at the residence of the Minister and is used as such.

The present Bill seeks to amend the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 to this effect.

Financial Memorandum

Clause 2 of the Bill seeks to amend the provisions of section 4 of the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 so as to enable the Government to incur expenditure on account of electricity and water charges in respect of the portion of building which the Minister uses as his residential office. This would involve expenditure to be incurred from the Consolidated Fund of Union territory which though not substantial cannot be estimated at this stage.

Memorandum Regarding Delegated Legislation

Under the said Amendment, no delegated legislation is contemplated.

Panaji, SHASHIKALA KAKODKAR
5th March, 1979 Chief Minister

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative As-
12th March, 1979 sembly of Goa, Daman and Diu.

(Annexure to Bill No. 7 of 1979)

The Goa, Daman and Diu Salaries and Allowances
of Ministers (Sixth Amendment) Bill, 1979

The Goa, Daman and Diu Salaries and Allowances
of Ministers Act, 1964

(Act No. 3 of 1965)

4. *Residence of Ministers.*—Each Minister shall be entitled, without any payment, to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and so long as such residence is not provided, to a compensatory allowance of two hundred and fifty rupees per month:

Provided that the compensatory allowance payable to a Deputy Minister for the period for which no residence is provided to him shall be two hundred rupees per month.

Explanation.—For the purpose of this section,—

(i) 'residence' includes the staff quarters and other buildings appurtenant thereto and the garden thereof;

(ii) 'maintenance' in relation to a residence includes payment of local rates and taxes and provision of electricity and water, provided, however, that the total periodic expenditure on provision of electricity and water shall not exceed seventy five rupees per month in the case of Deputy Minister or one hundred rupees per month in the case of any other Minister.

Assembly Hall, M. M. NAIK
Panaji, 12th March, 1979. Secretary to the Legislative As-
sembly of Goa, Daman and Diu

LA/B/7/3601/79

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 16th March, 1979 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Civil Courts (First Amendment) Bill, 1979

(Bill No. 8 of 1979)

A BILL

to amend the Goa, Daman and Diu Civil Courts Act, 1965.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Goa, Daman and Diu Civil Courts (First Amendment) Act, 1979.

(2) It shall come into force at once.

2. **Amendment of section 22.**—In section 22 of the Goa, Daman and Diu Civil Courts Act, 1965, (Act 16 of 1965) (hereinafter referred to as the principal Act), for the words "ten thousand rupees", the words "twenty thousand rupees" shall be substituted.

3. **Special provision as to pending proceedings.**—Nothing in this Act shall affect any appeal under section 22 of the principal Act which immediately before the commencement of this Act was pending before the High Court, and every such appeal may be heard and disposed of by the High Court as if this Act had not been passed.

Statement of Objects and Reasons

The Bill seeks to give effect to the High Court Arrears / Committee's Report. Hitherto, appeals against the decisions of Civil Judges where the subject matter does not exceed ten thousand rupees lie to the District Court. The Bill seeks to enhance the appellate jurisdiction of the District Court. This will give an aggrieved party a right of second appeal.

Financial Memorandum

No financial implications are involved in the Bill.

Memorandum Regarding Delegated Legislation

In the proposed amendment, no delegated legislation is contemplated.

Panaji, SHANKAR LAAD
March, 1979 Minister for Law

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative As-
12th March, 1979 sembly of Goa, Daman and Diu.

(Annexure to Bill No. 8 of 1979)

The Goa, Daman and Diu Civil Courts (First
Amendment) Bill, 1979

The Goa, Daman and Diu Civil Courts Act, 1965
(Act No. 16 of 1965)

22. **Appeals from his decision.**—In all suits decided by a Civil Judge of which the amount or value of the subject

matters exceeds ten thousand rupees the appeal from his decision shall be direct to the High Court.

Assembly Hall,

M. M. NAIK

Panaji, 12th March, 1979. Secretary to the Legislative Assembly of Goa, Daman and Diu.

LA/B/7/3602/79

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 16th March, 1979 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Societies Registration (Goa, Daman and Diu
First Amendment) Bill, 1979

(Bill No. 10 of 1979)

A
BILL

to amend the Societies Registration Act, 1860 in its application to the Union territory of Goa, Daman and Diu.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Societies Registration (Goa, Daman and Diu First Amendment) Act, 1979.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Amendment of section 1.*— In the Societies Registration Act, 1860 (Central Act 21 of 1860) (hereinafter referred to as the principal Act), the existing section 1 shall be re-numbered as section 1A and;

(i) before section 1A as so re-numbered, the following section shall be inserted, namely:—

“1. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Inspector-General” means the Inspector-General of Registration appointed under section 3 of the Indian Registration Act, 1908 (Central Act 16 of 1908), and includes any of the District Authorities subordinate to the Inspector-General of Registration not below the rank of a District Registrar to whom powers may be delegated in respect of this Act;

(b) “notification” means notification published in the Official Gazette;

(c) “prescribed” means prescribed by rules made under this Act;

(d) “Registration of Societies Order” means the Registration of Societies Order, issued by the Lieutenant Governor of Goa, Daman and Diu under clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962.”

(ii) in section 1A as so re-numbered, for the words “the Registrar of Joint Stock Companies” the words “the Inspector-General” shall be substituted.

3. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) for the words “the Registrar shall certify”, the words “the Inspector-General shall, subject to the provisions of section 3A, certify” shall be substituted;

(ii) for the words “the Registrar for”, the words “the Inspector-General for” shall be substituted.

4. *Insertion of new section 3A.*— After section 3 of the principal Act, the following section shall be inserted namely:—

“3A. *Prohibition against registration of societies with undesirable names.*— No society shall be registered by a name which, in the opinion of the Inspector-General, is undesirable, being a name which is identical with, or which in the opinion of the Inspector-General so nearly resembles the name by which any other existing society has been previously registered as to be likely to deceive the public or members of either society, or which is being used without the previous permission of the Government concerned, and which suggests or is calculated to suggest the patronage of any Government or connection with any body constituted by any Government or local authority, or which may, subject to any rules made in this behalf, be deemed to be undesirable by the Inspector-General.”

5. *Amendment of section 4.*— In section 4 of the principal Act, for the words “the Registrar of Joint Stock Companies”, the words “the Inspector-General” shall be substituted.

6. *Insertion of new section 4A.*— After section 4 of the principal Act, the following section shall be inserted, namely:—

“4A. *Power of Inspector-General to call for information or returns from governing body of society and provisions relating thereto.*— (1) The Inspector-General may serve or cause to be served, on the governing body entrusted with the management of the affairs of any society registered under this Act, a notice requiring it to furnish in such manner as may be prescribed, information or returns relating to persons employed by the society; their conditions of employment (including their emoluments, any contributions, concessions or other benefits and amenities provided for employees) and such other matters relating thereto, as may be prescribed.

(2) The form in which such information or returns shall be furnished, the particulars which they shall contain and the intervals (if any) in which such information or returns shall be furnished, shall be such as may be prescribed.

(3) The notice referred to in sub-section (1) may be served by post.

(4) No information or returns collected for the purposes of this section, shall, without the previous consent in writing of the society in relation to which the information or returns was given or

made, be published in such manner as would enable any particulars to be identified as referring to a particular society.

(5) Except for the purposes of a prosecution under section 11A or under the Indian Penal Code (Central Act 45 of 1860), no person other than the Inspector-General or any person duly specified by him in this behalf, shall be permitted to see any information or returns furnished as aforesaid.

(6) No suit or other legal proceeding shall lie against the Inspector-General or any person acting under the authority of the Inspector-General in respect of anything in good faith done or intended to be done in pursuance of this section."

7. Insertion of new section 11A, 11B, and 11C.—After section 11 of the principal Act, the following sections shall be inserted, namely:—

"11A. Penalty for contravening section 4A.—If the governing body entrusted with the management of the affairs of any society registered under this Act required to furnish any information or returns—

(i) wilfully refuses or without lawful excuse neglects to furnish such information or returns as may be required under section 4A; or

(ii) wilfully furnishes or causes to be furnished any information or returns which it knows to be false; or

(iii) refuses to answer or, wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under section 4A,

such governing body shall, for each such offence, on conviction, be punished with fine which may extend to fifty rupees.

11B. Penalty for improper disclosure of information or return.—If the Inspector-General or any person duly authorised by him in connection with the collection of any information or returns under this Act wilfully discloses any information or contents of any returns given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of prosecution, of an offence under this Act or the Indian Penal Code (Central Act 45 of 1860), he shall, on conviction, be punished for such offence with fine which may extend to two hundred rupees.

11C. Cognizance of offences.—No prosecution for an offence under section 11A shall be instituted, except by or with the sanction of, the Inspector-General, and no prosecution for an offence under section 11B shall be instituted except by or with the consent of the Government."

8. Amendment of section 12.—In section 12 of the principal Act, after the words "either wholly or partially with any other society" the words "or to change the name of the society" shall be inserted.

9. Insertion of new sections 12A, 12B, 12C and 12D.—After section 12 of the principal Act, the following sections shall be inserted, namely:—

"12A. Registration of change of name.—(1) Where a proposition for change of name of a

society has been agreed to and confirmed in the manner specified in section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Inspector-General for registering the change of name.

(2) If the proposed change of name is in his opinion undesirable for any of the reasons mentioned in section 3A, the Inspector-General shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Inspector-General shall, if he is satisfied that the provisions of the Act in respect of the change of name have been complied with, register the change of name and issue a certificate of registration altered to meet the circumstances of the case and on the issue of such a certificate, the change of name shall be complete.

(4) The Inspector-General shall charge for any copy of a certificate issued under sub-section (3), a fee of one rupee and all fees so paid shall be accounted for to the Government.

(5) If, through inadvertence or otherwise, a society is registered by a name which should not have been registered (due regard being had to the provisions of section 3A), the Inspector-General, may, after hearing the party concerned, direct the society to change the name, and the society shall change its name within a period of three months from the date of such direction or such longer period as the Inspector-General may think fit to allow, in accordance with the provisions of this Act.

12B. Effect of change of name.—The change of name of a society shall not affect any right or obligation of the society or render defective any legal proceeding by or against the society, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

12C. Maintenance of accounts and their balancing and accounting.—(1) Every governing body entrusted with the management of the affairs of a society registered under this Act shall keep regular accounts.

(2) Such accounts shall be kept in such form as may be approved by the Inspector-General, and shall contain such particulars as may be prescribed.

(3) The accounts of a Society shall be balanced each year on the 31st day of March or such other date as may be fixed by the Inspector-General.

(4) The accounts of a society shall be audited annually in such manner as may be prescribed and by a person who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (Central Act 38 of 1949), or by such persons as may be authorised in this behalf by the Government.

12D. Auditor's duty to report irregularity.—(1) It shall be the duty of every auditor, auditing the accounts of a society under section 12C to prepare a report relating to auditing such

account and forward a copy of the same to the Inspector-General.

(2) The auditor shall, in his report, specify all cases of irregular, illegal or improper expenditure, or failure or omission to recover moneys or other property thereof, and state whether such expenditure, failure, omission, loss or waste was caused in consequence of breach of trust, or misappropriation or any other misconduct on the part of the governing body or any other person."

10. *Insertion of new section 14A.*— After section 14 of the principal Act, the following section shall be inserted, namely:—

"14A. *Disposal of property of a dissolved society.*— Notwithstanding anything contained in section 14, it shall be lawful for the members of any society dissolved under section 13 to determine by a majority of the votes of the members present personally or by proxy at the time of dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to Government to be utilised for any of the purposes referred to in section 1A."

11. *Amendment of section 17.*— In section 17 of the principal Act, —

(i) for the words and figures "Act 43 of 1850", wherever they occur, the words, "the Registration of Societies Order" shall be substituted.

(ii) for the words "passing of this Act" the words "commencement of this Act in this Union territory" shall be substituted.

12. *Amendment of section 18.*— In section 18 of the principal Act, for the words "the Registrar of Joint Stock Companies", the words "the Inspector-General" shall be substituted.

13. *Amendment of section 19.*— In section 19 of principal Act.—

(i) for the words "Any persons may inspect", the words "Except as otherwise provided by section 4A, any person may inspect" shall be substituted;

(ii) for the words "The Registrar", the words "the Inspector-General" shall be substituted;

(iii) for the words "and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract", the words "or may require the Inspector-General to give him a certified copy or extract of any document or any part thereof on payment of such fee as the Government or any officer authorised by it may by notification in the Official Gazette fix in that behalf" shall be substituted.

14. *Insertion of new section 21.*— After section 20 of the principal Act, the following section shall be inserted, namely:—

"21. *Powers to make rules.*— (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Goa, Daman and Diu, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the sessions immediately following the session or the successive sessions aforesaid; the Assembly agrees in making any modification in any such rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule."

Statement of Objects and Reasons

The existing section 1 of the Societies Registration Act, 1860 provides for any seven or more persons associated for any library, scientific or charitable purpose or for any such purpose as is described in section 20 of the Act to form themselves into a society by subscribing their names to a memorandum of association and filing the same with the Registrar of Joint Stock Companies. In this Union territory there is no statutory post of Registrar of Joint Stock Companies under the Companies Act, 1956 and the Registrar of Joint Stock Companies of Maharashtra has jurisdiction in this Union territory. The said Act of 1860 has been extended to this Union territory vide the Goa, Daman and Diu (Laws) Regulations, 1962. In pursuance of section 6 of the said Regulation, any reference to any provisions of law not in force or to any functionary not in existence in Goa, Daman and Diu is to be construed as a reference to the corresponding law in force or to the corresponding functionary in existence in that Union territory. The proviso to the said section further provides that if any question arises as to who would be such corresponding functionary in existence in the Union territory, the Lieutenant Governor of Goa, Daman and Diu would be competent authority for deciding as to who would be such functionary and his decision in that respect would be final.

Before the enforcement of the Societies Registration Act, 1860, the registration of societies formed for promotion of literature, science or charitable purpose were registered under the Registration of Societies Order, 1962 by the Conservador dos Registos of respective Talukas. However, with the enforcement of the said Act of 1860 the Government vide Notification dated 6-6-1964 decided the Director of Civil Administration as the functionary corresponding to the Registrar of Societies under section 7(1)(a)(ii) of the said Regulation of 1962. Subsequently, in supersession of the aforesaid Notification, the Government vide notification no. LD/N/11/68/69 dated 30-4-1968 appointed the Head of the Office, Registers and Notary services as Registrar of Societies, Goa, Daman and Diu.

Section 1 of the said Act of 1860 in its extension to various States has been suitably amended substituting the words "Registrar of Joint Companies" by the words "Inspector General of Registration" as done in the States of Tamil Nadu, Andhra Pradesh, Bihar while in the States of Assam, Nanipur, Tripura, Pondicherry, Orissa, Gujarat Maharashtra, the words "Registrar of Societies" have been incor-

porated. In some states, a provision relating to investing powers on the Government to appoint Registrar by notification in the Official Gazette have been incorporated. In the absence of any amendment to the said Act of 1860 and authorising someone to register the societies under the said Act, which will be feasible only after the amendment to the said Act of 1860, the registration effected by the Head of Office of Registers and Notary Services may not be strictly in conformity with law.

It has now become imperative to amend section 1 of the Societies Registration Act, 1860 to enable the Government to empower the Inspector General of Registration appointed under section 3 of the Registration Act, 1908. The clause 2 of the Bill seeks to achieve this purpose.

Further, the provisions of the said Act of 1860 are not sufficient to enable the Government to have an effective control over the societies registered under the said Act. The Bill provides for prohibition against the registration of societies with undesirable names, calling information or return from governing body of societies, penalty for contravention of non-submission of returns and information as called from time to time. The Bill also provides for registration of change of name, maintenance of accounts and audit by the auditor and power of the Government to frame rules for carrying out the purposes of the Act.

The present amendment Bill which is drafted on the lines of the Act in force in the State of Maharashtra is comprehensive and exhaustive Bill which when it becomes an Act, would enable the Government to make better provision for effective control over the Societies registered and to be registered under the said Act of 1860.

Financial Memorandum

The Bill provides for prescription of forms and submission of returns by the governing body of society. Non submission of returns or other relevant information required in terms of clause 6 of the Bill entails imposition of penalty on the governing body. Clause 9 of the said Bill also provides for change of name of society and issue of certificates thereunder. Further, clause 13 of the Bill provides for granting of certified copies of extract of any documents or any part thereof on payment of such fee as the Government or any officer authorised by the Government may by notification in the Official Gazette fix in that behalf.

In view of the above, it is necessary to have an establishment of Office of Inspector General of Registration of Societies which could be accommodated in the present Head of Office of Registers and Notary Services. The work load could be adjusted by providing one post of Legal Assistant and Stenographer.

The annual expenditure thereunder would be around Rs. 15,000/-.

The grant of certificate of change of name, certified copy or extract of any document or part thereof on payment of such fee as fixed by the Government by notification in the Official Gazette and imposition of penalties for contravention of section 4A of the Act will constitute the revenue of the Government. Total revenue cannot be estimated at this stage.

Memorandum Regarding Delegated Legislation

1. Clause 4 of the Bill provides for the Government to make rules for prohibition or against use of the undesirable name by a Society.

2. Clause 6 of the Bill gives powers to the Government to make rules prescribing the form or return to be furnished by the governing body of the society relating to persons employed by the society, their conditions of employment including their emoluments, any contributory concessions or other benefits and amenities provided for employees and the matters relating thereto.

3. Clause 9 of the Bill gives powers to the Government to make rules with respect to particulars to be prescribed in the accounts maintained by the society and the manner of auditing the accounts in terms of section 12C of the Act.

4. Clause 14 of the Bill gives further powers to the Government to make rules on various matters for carrying out the purposes of the Act subject to the conditions of previous publication. This is necessary and is on the lines usually adopted in all legislations. Such provisions exist in the said Act of 1860 in its application to other States also. The delegation is necessary and is of normal character.

Panaji,
15th March, 1979.

SHANKAR LAAD
Minister for Law

Assembly Hall,
Panaji,
15th March, 1979

M. M. NAIK
Secretary to the Legislative Assembly of Goa, Daman and Diu.

(Annexure to Bill No. 10 of 1979)

The Societies Registration (Goa, Daman and Diu First Amendment) Bill, 1979

Societies Registration Act, 1860 (Central Act 21 of 1860)

1. *Societies formed by memorandum of association and registration.*—Any seven or more persons associated for any literary, scientific or charitable purpose, or for any such purpose as is described in section 20 of this Act, may, by subscribing their names to a memorandum of association, and filing the same with the Registrar of Joint Stock Companies form themselves into a society under this Act.

3. *Registration fees.*—Upon such memorandum and certified copy being filed the Registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the Registrar for every such registration a fee of fifty rupees or such smaller fee as the State Government may from time to time direct; and all fees so paid shall be accounted for to the State Government.

4. *Annual list of managing body to be filed.*—Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is held, or if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of Joint Stock Companies, of the names, addresses and occupations of the governors, council, directors, committee, or other governing body then entrusted with the management of the affairs of the society.

12. *Societies enabled to alter, extend, or abridge their purposes.*—Whenever it shall appear to the governing body of

any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society, either wholly or partially with any other society such governing body may submit the proposition to the members of the society in written or printed report, and may convene a special meeting for the consideration thereof according to the regulations of the society; but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

13. *Provision for the dissolution of societies and adjustment of their affairs.*—Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and, if not, then as the governing body shall find expedient, provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal court of original civil jurisdiction of the district in which the chief building of the society is situate; and the court shall make such order in the matter as it shall deem requisite:

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose:

Provided that whenever, any Government is a member of, or a contributor to, or otherwise interested in any society registered under this Act, such society shall not be dissolved without the consent of the Government of the State of Registration.

14. *Upon a dissolution no member to receive profit.*—If upon the dissolution of any society registered under this Act, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three-fifths of the members present personally or by proxy at the time of the dissolution, or in default thereof, by such court as aforesaid:

Provided, however, that this clause shall not apply to any society which shall have been founded or established by the contributions of shareholders in the nature of Joint Stock Company.

17. *Registration of societies formed before this Act.*—Any company or society established for a literary, scientific or charitable purpose and registered under Act XLIII of 1850, or any such society established and constituted previously to the passing of this Act but not registered under the said Act XLIII of 1850 may at any time hereafter be registered as a society under this Act; subject to the proviso that no such company or society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the members present personally, or by proxy, at some general meeting convened for that purpose by governing body.

In the case of a company or society registered under Act XLIII of 1850, the director shall be deemed to be such governing body. In the case of a society not so registered, if no such body shall have been constituted on the establishment of the society, it shall be competent for the members thereof, upon due notice, to create for itself a governing body to act for the society thenceforth.

18. *Such societies to file memorandum, etc., with Registrar of Joint Stock Companies.*—In order to any such society as is mentioned in the last preceding section obtaining registry

under this Act, it shall be sufficient that the governing body file with the Registrar of Joint Stock Companies, a memorandum showing the name of the society, the objects of the society, and the names, addresses, and occupations of the governing body together with a copy of the rules and regulations of the society certified as provided in section 2, and a copy of the report of the proceedings of the general meeting at which the registration was resolved on.

19. *Inspection of documents-Certified copies.*—Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of rupee one for each inspection; and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of annas two for every hundred words of such copy or extract and such certified copy shall be prima facie evidence of the matters therein contained in all legal proceedings whatever.

Assembly Hall,

M. M. NAIK

Panaji, 15th March, 1979

Secretary to the Legislative
Assembly of Goa, Daman and Diu.

Law Department (Establishment)

Office of the Chief Electoral Officer

Notification

3-1-78/Elec.

The following notifications Nos. 56/79 and 56/79(1) both dated 19-2-1979 issued by the Election Commission of India, New Delhi, are hereby published for general information.

K. C. D. Gangwani, Chief Electoral Officer.

Panaji, 7th March, 1979.

Election Commission of India

New Delhi, dated the 19-2-1979

Notification

S. O.—Whereas the Election Commission is satisfied that as a result of its poll performance at the general election to the Legislative Assembly of Arunachal Pradesh held in March, 1978, the People's Party of Arunachal in the Union territory of Arunachal Pradesh is entitled for recognition as a State Party in that Union territory in terms of paragraph 6 read with paragraph 7 of the Election Symbols (Reservation and Allotment) Order, 1968;

And whereas the Election Commission has decided by a separate Order that the symbol 'Mithun' be restored as a free symbol in relation to the Union territory of Arunachal Pradesh, and further it has reserved the symbol 'Mithun' for the People's Party of Arunachal in Arunachal Pradesh;

Now, therefore, in pursuance of clause (b) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its notification No. 56/78(1), dated the 25th January, 1978, published as S. O. 40(E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii), dated 25th

January, 1978, as amended from time to time, namely —

(1) In table 2 of the said notification, after the entries relating to West Bengal, the following entries shall be inserted, namely —

“Arunachal Pradesh People’s Party Mithun”
of Arunachal

[No. 56/79]

By order,

(V. NAGASUBRAMANIAN)
Secretary

New Delhi, dated 19-2-1979

Notification

S. O. — Whereas the Election Commission has recognised the People’s Party of Arunachal as a State Party in the State of Arunachal Pradesh vide its notification No. 56/79, dated 19 February, 1979;

Now, therefore, in pursuance of clause (c) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its notification No. 56/78(1), dated 25th January, 1978, published as S. O. 41(E) in the Gazette of India Extraordinary, Part II, Section 3 (ii), dated 25th January, 1978, as amended from time to time, namely. —

In the Table, appended to the said notification, the entry “21. People’s Party of Arunachal ... Arunachal Pradesh”, shall be deleted and the existing entries 22 to 41 shall be renumbered as 21 to 40 respectively.

[No. 56/79 (1)]

By order,

(V. NAGASUBRAMANIAN)
Secretary

Government Press

Notice

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